

FILED**SMB**

9/28/2023

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

ERIC L. BERNARD, Plaintiff,	CASE No. 20-CV-50413
v. ROB JEFFREYS, et al., Defendants	The Honorable JUDGE PAUL J. SCHUSTON

PC SCAN

Plaintiff's Response To Plaintiff's
Counsel Motion For Relief
From Assignment Pursuant To L.R. 83.38
And To Withdraw

1. On September 19, 2023 Plaintiff's Attorney without notice to Plaintiff, had filed a Motion For Relief From Assignment And To Withdraw.

2. This Motion was brought in bad faith and Attorney Alice Kelly committed fraud before the court.

3. In his Motion, counsel claims that on September 13, 2023 a personal incompatibility arose with Plaintiff and the attorneys on this case causing a conflict of interest such that it would be unreasonably difficult for counsel to continue representation of Plaintiff effectively and independently.

4. PLAINTIFF REPRESENTS TO THIS COURT THAT THERE IS NO CONFLICT OF INTEREST BETWEEN HIM AND HIS ATTORNEY.

5. ATTORNEY KELLY IS ATTEMPTING TO MISGUIDE THIS COURT BY MAKING IT APPEAR AS IF THERE'S A CONFLICT OF INTEREST WHEN NO CONFLICT OF INTEREST EXISTS.

6. PRIOR TO THE FILING OF ATTORNEY KELLY'S MOTION, PLAINTIFF HAD WRITTEN HIS ATTORNEY SOPHIE HONCEMAN SEEKING ADVICE AND SPEAKING ON TOPICS FROM A RECENT VISIT WITH PLAINTIFF AND HONCEMAN. NOTHING IN THIS LETTER WOULD CAUSE A CONFLICT OF INTEREST IN THIS CASE.

7. THE TRUTH IS THAT ATTORNEY KELLY IS NOT PLEASED HOW THIS COURT HAS SEPARATED PLAINTIFF'S CLAIMS IN DIFFERENT JANSUITS AND FEELS THAT THIS COURT IS PUTTING A HEAVY BURDEN ON THE FIRM BECAUSE THE CLAIMS ARE ON GOING THROUGH A FOUR YEAR TIME FRAME.

8. INSTEAD OF DIRECTLY EXPRESSING TO THIS COURT THAT IT IS NOT PLEASED WITH ITS DECISIONS AND ORDERS, ATTORNEY IS TRYING TO PRESENT A CONFLICT OF INTEREST CLAIM TO MISGUIDE THIS COURT TO BE RELIEF FROM ASSIGNMENT.

9. ATTORNEY HAS EXPRESSED TO PLAINTIFF HER DISAPPROVAL OF THIS COURT OPERATING CLAIMS IN THESE CASES AS STUPID.

10. PLAINTIFF INFORMED ATTORNEY KELLY THAT ~~IF IT IS~~ UPSET WITH NOW THE COURT MADE ITS ORDERS THE SHE SHOULD ADDRESS THE COURT WITH HER CONCERNS, HOWEVER, SHE DIDNT AND WAS LOOKING FOR ANY LITTLE REASON TO CREATE A SITUATION TO MAKE FOR RELIEF OF ASSIGNMENT AND TO WITHDRAW.

11. AS THE COURT CAN SEE IN ATTORNEY KELLY'S MOTION THAT ~~HE~~ SHE ONLY MENTIONED ONCE A UNDESCRIBABLE DESCRIPTION OF A CONFLICT OF INTEREST BUT HEAVILY POINTS OUT THE HOURS THAT HER FIRM HAS PUT IN ON NOT JUST THIS CASE BUT ALL PRO BONO CASES AT HER FIRM.

THIS SHOWS THAT THIS IS NOT ABOUT A CONFLICT OF INTEREST BUT RATHER HOW MANY HOURS THAT THEY DID ON PRO BONO CASES.

12. SINCE THERE'S NO CONFLICT OF INTEREST AND NO GROUNDS FOR RELIEF OF ASSIGNMENT OR TO WITHDRAW, ATTORNEY KELLY MOTION SHOULD BE DENIED.


13. IN ADDITION, IN BERNARD V. JEFFREYS 20-CV-50412, PLAINTIFF'S ATTORNEY IN THAT CASE HAS FILED A TEMPORARY RESTRAINING ORDER AND A SEON

PRELIMINARY INJUNCTION RELIEF. PLAINTIFF'S
 ATTORNEY IN THAT CASE CONTACTED
 THIS ATTORNEY KELLY ASKING
 THAT THEY GO ON THE MOTION
 TO GET URGENT RELIEF FOR PLAINTIFF'S MENTAL
 NEEDS, ATTORNEY KELLY SIMPLY DIDN'T
 WANT TO GET INVOLVED BECAUSE
 SHE DIDN'T LIKE HOW THE COURT SEPARATED
 THE CLAIMS IN DIFFERENT CASES

14. THIS CASE IS TOO FAR GONE TO
 SORT OUT, PLAINTIFF WILL BE PREJUDICE.

CONCLUSION

FOR THESE ABOVE STATED REASONS, PLAINTIFF
 REQUEST THAT ATTORNEY KELLY MOTION TO
 BE RELIEF OF ASSIGNMENT AND WITHDRAW
 BE DENIED AND THAT THE CASE MOVES
 FORWARD


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